

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Adilabad District- Revision Petition filed by Smt. Pushpa Bai (died) legal heir Smt. GovindulaVijayaLaxmi W/o G.N.Swamy, Aged about 44 years, occ:Housewife,R/o H.No.1-13/155/2, Kupuwada, Sirpur, Kagaznagar, Adilabad District and (2) others aggrieved by the orders of Agent to Govt. cum District Collector, Adilabad District passed in (i) Case No.D4/AG/66/87 dated 8-6-1990 (ii) D4/Ag/67/87 dt 8-06-1990 (iii) D4/Ag/68/87 dated: 8-06-1990 and the orders dated 27-12-2006 in Proceedings No.B/631/2004 of MRO Sirpur of Adilabad - Rejected - Orders - Issued

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TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.31

Dated: 29-09-2018,  
Read the following:-

- 1) Revision Petition filed by Smt. Pushpa Bai (died) legal heir Smt. GovindulaVijayaLaxmi W/o G. N. Swamy, Kupuwada, Sirpur, Kagaznagar, Adilabad District and others dated: 01.02.2007.
- 2) Govt. Memo. No .1082/LTR.2/2007-1&2, dated: 06.03.2007.
- 3) D.O.Lr.No.7847/LTR-2/07, dated: 04-11-2010.
- 4) From the Addl. Agent to Government, Utnoor, Adilabad District.  
Lr.No.A4/866/07, dated: 01.12.2012.

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ORDER

In the reference 1<sup>st</sup> read above, Smt. Pushpa Bai (died) legal heir Smt. GovindulaVijayaLaxmi W/o G.N.Swamy, Kupuwada, Sirpur, Kagaznagar, Adilabad District and (2) hav filed Revision Petition before the Government aggrieved by the orders of Agent to Government-cum-District Collector, Adilabad District passed in (i) Case No.D4/AG/66/87 dated 8-6-1990 (ii) D4/Ag/67/87 dt 8-06-1990 (iii) D4/Ag/68/87 dt 8-06-1990 and the orders dated 27-12-2006 in Proceedings No. B/631/2004 of MRO Sirpur of Adilabad.

2. In the reference 2<sup>nd</sup> read above, the Agent to Government-cum-District Collector, Adilabad District and the Project Officer & Addl. Agent to Government, Utnoor, Adilabad District were requested to furnish Para Wise Remarks and connected case records and in the reference 4<sup>th</sup> read above the Project Officer, Utnoor, Adilabad District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- That so far the land situated in Sy.No.440/B to an extent of 0.48, 442/B to an extent of 0.88 cents, 440/C to an extent of 0.35 cents were the joint properties of late Sri Raghavulu and in the partition made in the year 1969 the said lands were allotted to the late Sri Raghavulu. The said transaction does not amount to any alienation between tribal & non tribal or non tribal & on tribal in agency area. Further the said transaction took place prior to coming into force of said regulation.
- That so far the land to the extent of Ac.1.68 cents situated in Sy.No.467/1 was purchased by late Sri Raghavulu from one Sri Ashafaz Hussain through unregistered sale deed in the year 1968, before coming into force of the said regulation. Therefore the said transaction also does not amount to any contravention of APSALTR.
- That the Special Deputy Collector (Tribal Welfare) Adilabad District, Utnoor, Adilabad District has passed the ejection order under APSALTR in the absence of filing any counter and documents by late Sri Raghavulu. That the sufficient opportunity of being heard was not given to late Sri Raghavulu at the time of passing ejection orders. Further late Sri Raghavulu was bed ridden at the time of passing the said orders. The respondent No.1 the Agent to Government, Adilabad District also dismissed the appeals without considering the said facts and the cases before Hon'ble High Court of A.P., were not properly represented.
- That the said ejection orders passed without proper enquiry. Therefore the petitioners herein approached the authorities for conducting fair enquiry and accordingly the Revenue inspector ROR Sirpur (T) conducted a detailed enquiry and mutated the said land in the name of the late Sri Raghavulu in revenue records in the year 1991 and further after due enquiry in the year 1995 the pattadar pass book and title deed were issued in the name of late Sri D.Raghavulu and late Sri G.Ramulu declaring them the pattadars of above said lands.

(p.t.o.)

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- That the Special Deputy Collector (Tribal Welfare), Adilabad District, Headquarters at Utnoor not properly enquiry before passing the ejection orders therefore the said ejection order are illegal arbitrary, violative of principles of Natural justice and against the mandatory provisions of APSALTR and the said ejection orders are liable to be set aside.

4 The remarks of the Addl. Agent to Government, Utnoor, Adilabad District on the revision petition are as under:

- The petitioner's contention is not true. The petitioner's husband Sri D.Raghavulu S/o.Narsaiah and Sri D.Sriramulu S/o.Kuchamaiah have purchased the land bearing Sy.No.467/1 to an extent of Ac.1.68 situated at Lonavelli (notified) Tribal Village of Sirpur-T Mandal from a Non-Tribal Pattedar namely Ashafaz Hussain S/o.MohammedRafeek R/o.Lonavelli village of Sripur-T Mandal.
- The petitioner's husband also purchased the land in Sy.No.440/C to an extent of 0.35 ac situated at Lonavelli village of Sripur-T Mandal from Sri Battkaiah S/o.Lachaiah R/o.Lonavelli village of Sripur-T Mandal and also 440/B, 442/B an extent of 0.48 ad 0.88 cents situated at Lonavelli village of Sripur-T Mandal from Sri Ramesh S/o Rathnaiah R/o. Lonavelli village of Sripur-T Mandal after enforcement of Act 1 of 1970. But the petitioner did not produce any documents that her husband purchased the above land prior to enforcement of Act 1 of 1970.
- The petitioner's contention is not true. The Special Deputy Collector (Tribal Welfare) Adilabad District, Utnoor, Adilabad District gave a proper opportunity and time to produce the documents. But the petitioner failed to produce the documents.
- The Agent to Government, Adilabad District also gave a proper time to produce the documents. But the petitioner failed to produce the documents. As well as the Hon'ble High Court dismissed the writ petition No.10448/90, 10450/90 and 10452/90 filed on 24.02.2004 filed by the husband of the petitioner expressed that there is no reason to interfere in the order passed by the respondent 1 & 2. The WP No.7703/07 filed by the petitioner is also dismissed on 16.04.2007.
- The Tahsildar Sirpur-T wrongly passed an order and issued Pattedar passbooks and title deeds against the rules.
- The petitioner's contention is not true. G.Sriramulu who is the husband of Late Ammakka and the sister of Petitioner's husband purchased the land in Sy.NO.467/1 to an extent of 0.83 cents from Ashafaz Hussain S/o Mohammed Rafeek R/o.Lonavelli village of Sripur-T Mandal after enforcement of 1 of 1970. It is contravention to section 3 (1) APSALTR 1959 r/w amendment 1 of 1970.
- The Tahsildar Sirpur-T wrongly mutated the land in favour of the petitioner after the death of her husband and also mutated the land of G.Sriramulu in favour of his elder Son illegally.
- The Hon'ble High Court dismissed the WP.No.7703/07 filed by the petition on 16.04.2007 and upheld the orders of the Agent to Govt. Cum District Collector, Adilabad. &Spl.Dy.Collector (TW), Adilabad, Utnoor, Adilabad District. So, the suit land was taken into the Government custody.
- The Agent to Government, Adilabad District&Spl.Dy.Collector (TW), Adilabad, Utnoor, Adilabad District gave proper opportunity and time to produce the documents. But the petitioner failed to produce the documents. Hence, the respondents No.1 & 2 passed an order to take the land into Government custody as per rules.

- That the petitioner on the whole telling lies in the petition and trying to escape from the agency law. It is a general practice in agency areas that the petitions are contravening the agency laws by acquiring the immovable properties and when the matter comes to the notice of court, they are trying to safeguard themselves from the agency laws. Hence, the contention of the petitioner in the revision petition are not believable. Therefore, the Additional Agent to Government & Project Officer, ITDA, Utnoor has requested to the Hon'ble court to dismiss the claim of the petitioner in the interest of justice with costs.
- Further it is submitted that there is a court order in W.P.No.7703/2007 filed by SmtPushapbai W/o.LateDharampuriRaghavulu&Govindula Suresh S/o.LateSriramuluin this regard. The Hon'ble High Court order dt.16.04.2007 while dismissing the W.P. has directed the Government to consider and dispose of representation, if any and if it is maintainable, in accordance with law.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Addl.Agent to Government it is observed that;

- Perused the entire case records wherein orders passed by the lower court, the appellate authority and also the grounds urged by the Petitioner in the Revision Petition. There is no valid or substantiating grounds in the Revision Petition.

6. Government after careful examination of the matter here by rejects the Revision Petition filed by Smt. Pushpa Bai (died) legal heir Smt. GovindulaVijayaLaxmi W/o G.N.Swamy, Kupuwada, Sirpur, Kagaznagar, Adilabad District and (2) others and upholds the orders of the appellate authority i.e., Agent to Government-cum-District Collector, Adilabad District passed in (i) Case No.D4/AG/66/87 dated 8-6-1990 (ii) D4/Ag/67/87 dt 8-06-1990 (iii) D4/Ag/68/87 dt 8-06-1990 and the orders dated 27-12-2006 in Proceedings No.B/631/2004 of MRO Sirpur of Adilabad.

7. The Agent to Government-cum-District Collector, Adilabad District and Project Officer, ITDA, Utnoor, Adilabad District shall take necessary further actionaccordingly. The original case records received in the reference 4th read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,  
SECRETARY TO GOVERNMENT

To

- 1)Smt. Pushpa Bai (died) legal heirSmtGovindulaVijayaLaxmiW/oG.N.Swamy, R/o H.No.1-13/155/2, Kupuwada, Sirpur, Kagaznagar, Adilabad District .
- 2) SmtGovindulaVijayaLaxmi W/o G.N.Swamy,Aged about 44 years, occ:House wife, R/o H.No.1-13/155/2, Kupuwada, Sirpur, Kagaznagar, Adilabad District.
- 3)SmtMutayapuwarVakula W/o Ganesh,Aged about 38 years, occ:House Hold, R/o H.No.1-13/156, Kupuwada, Sirpur,Kagaznagar, Adilabad District.
- 4)SmtNednurwarRojamani W/o Raju,Aged about 32 years, occ:House wife, R/o H.No.1-13/155/2, Kupuwada, Sirpur,Kagaznagar, Adilabad District.
- 5)Smt.G.Shobha Rani W/o late Govindula Suresh,
- 6)SriG.Srinivas S/o late Govindula Suresh,
- 7)SriG.Shyam Sunder S/o late Govindula Suresh,
- 8)SriG.Mahesh S/o late Govindula Suresh,
- 9)SriG.Naresh S/o late Govindula Suresh,
- 10)SriGovindulaSudhakar S/o late Sriramuloo,
- 11)SriGovindulaNarsimha Chary S/o late Sriramuloo,
- 12)SmtPadmavathi W/o G.Madhukar,  
(5-12 are R/o Bhatpally Village, SirpurKagaznagar Mandal, Komurambheem (Asifabad) District)

The Project Officer, ITDA and Additional Agent to Government,  
Utnoor, Adilabad District(w.e.)

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Copy to :

The Special Deputy Collector(TW), Utnoor, Adilabad District.

for information and necessary action.

The Tahsildar, Utnoor, Adilabad District for necessary action.

The Government Pleader for TW, High Court, Hyderabad.

Sri S.ChandrasekharaSharama, Advocate,

# 16-1-511/D,288, Shalivahana Nagar,

Dilsukhnagar, Hyderabad-36.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER